



PATENT
Attorney Docket No. MDS-012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Nordstrom et al. CONFIRMATION NO.: 2680
SERIAL NO.: 09/591,706 GROUP NO.: 2873
FILING DATE: June 9, 2000 EXAMINER: Scott J. Sugarman
TITLE: An Optical Probe Accessory Device for use in *In Vivo* Diagnostic Procedures

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the patents and publications are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☒ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☐ the requisite Statement is below, **OR**
- ☒ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or

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180.00 0P

- ☐ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**
- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

STATEMENT

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

- ☐ 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- ☐ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

Applicants believe that no fee is due with this submission, but if a fee is due, the Director of U.S. Patent and Trademarks is authorized to charge deposit account no. 20-0531 for such fee.

Respectfully submitted,



William R. Haulbrook, Ph.D.

Attorney for Applicants

Testa, Hurwitz, & Thibault, LLP

High Street Tower

125 High Street

Boston, Massachusetts 02110

Date: June 8, 2004
Reg. No. 53,002

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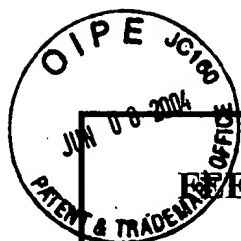
SHEET 1 OF 2

FORM PTO - 1449				ATTORNEY DOCKET NO.: MDS-012					
FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT				APPLICANT(S): Nordstrom <i>et al</i>					
				SERIAL NO.: 09/591,706					
				FILING DATE: June 9, 2000		GROUP: 2873			
U.S. PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE		
	A219	4,558,462	12/10/1985	Horiba <i>et al.</i>	382	42	08/31/1983		
	A220	4,515,165	05/07/1985	Carroll	128	664	09/15/1981		
	A221	4,641,352	02/03/1987	Fenster <i>et al.</i>	382	6	07/12/1984		
	A222	5,643,175	07/01/1997	Adair	600	133	02/05/1996		
	A223	6,083,487	07/04/2000	Biel	424	9.6	08/25/1998		
	A224	6,187,289	02/13/2001	Richards-Kortum <i>et al.</i>	424	9.8	10/20/1998		
	A225	2001/0041843	11/15/2001	Modell <i>et al.</i>	600	473	04/24/2001		
	A226	2002/0107668	08/08/2002	Costa <i>et al.</i>	702	189	12/15/2000		
	A227	2002/0133073	09/19/2002	Nordstrom <i>et al.</i>	600	426	02/08/2002		
	A228	2002/0197728	12/26/2002	Kaufman <i>et al.</i>	436	164	12/15/2000		
	A229	2003/0207250	11/06/2003	Kaufman <i>et al.</i>	435	4	04/11/2003		
	A230	2004/0007674	01/15/2004	Schomacker <i>et al.</i>	250	458.1	09/13/2002		
	A231	2004/0010187	01/15/2004	Schomacker <i>et al.</i>	600	317	07/10/2002		
	A232	2004/0010195	01/15/2004	Zelenchuk	600	476	07/10/2002		
FOREIGN PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG (Y/N)
	B30	WO 00/57361	09/28/00	PCT			3/17/00	N	Y
	B31	WO 00/41615	07/20/00	PCT			01/11/00	N	Y
	B32	WO 2004/005885	01/15/04	PCT			07/08/03	N	Y
	B33	WO 2004/005895	01/15/04	PCT			07/08/03	N	Y
EXAMINER					DATE CONSIDERED				



SHEET 2 OF 2

FORM PTO - 1449		ATTORNEY DOCKET NO.: MDS-012	
FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT		APPLICANT(S): Nordstrom <i>et al</i>	
		SERIAL NO.: 09/591,706	
		FILING DATE: June 9, 2000 GROUP: 2873	
OTHER ART, JOURNAL ARTICLES, ETC.			
EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)		
	C108	European Search Report for Pending European Patent Application No. 02019837-0, January 14, 2004, 4 pgs.	
	C109	Ko et al., "Multiresolution Registration of Coronary Artery Image Sequences," <u>International Journal of Medical Informatics</u> , Vol. 44 (1997), pp. 93-104.	
	C110	Noble et al., "Automated, Nonrigid Alignment of Clinical Myocardial Contrast Echocardiography Image Sequences: Comparison with Manual Alignment," <u>Ultrasound in Medicine and Biology</u> , Vol. 28, No. 1 (2002), pp. 115-123.	
EXAMINER		DATE CONSIDERED	



Express Mail Mailing Label No.: EV 375067809 US

FEE TRANSMITTAL
FY 2004

Complete if Known

Application Serial Number	09/591,706
Filing Date	June 9, 2000
First Named Inventor	Nordstrom
Group Art Unit	2873
Examiner Name	Scott J. Sugarman
Attorney Docket No.	MDS-012

METHOD OF PAYMENT

1. ☒ Payment Enclosed:
☒ Check ☐ Money Order ☐ Other
2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.
☐ Required Fees (copy of this sheet enclosed).
☒ Additional fee required under 37 CFR 1.16 and 1.17.
☒ Overpayment Credit.
3. ☒ Applicant claims small entity status.

FEE CALCULATION

1. FILING FEE

Large Entity

Fee (\$)	Fee Description	Fee Paid
770	Utility filing fee	
340	Design filing fee	
160	Provisional filing fee	

Number Filed	Number Extra	Rate	Amount
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Total Claims - 20 = x \$ 18.00 =

Independent Claims - 3 = x \$ 86.00 =

☐ Multiple Dependent Claim(s), if any \$290.00 =

TOTAL:

SMALL ENTITY DISCOUNT:

SUBTOTAL (1) (\$) 0.00

2. AMENDMENT CLAIM FEES

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
Total	-	=	x \$ 18.00 =	
Indep.	-	=	x \$ 86.00 =	
<input type="checkbox"/> First Presentation of Multiple Dep. Claim			+ \$290.00 =	

TOTAL: (\$)

SMALL ENTITY DISCOUNT: (\$)

SUBTOTAL (2) (\$) 0.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
110	55	Extension for reply within first month	
420	210	Extension for reply within second month	
950	475	Extension for reply within third month	
1480	740	Extension for reply within fourth month	
2010	1005	Extension for reply within fifth month	
330	165	Notice of Appeal	
330	165	Filing a brief in support of an appeal	
290	145	Request for oral hearing	
130	130	Petitions to the Commissioner	
180	180	Submission of Information Disclosure Statement	180.00
770	385	Filing a submission after final rejection (37 CFR 1.129(a))	
770	385	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
110	55	Submission of Terminal Disclaimer	
Other fee (Specify)			
Other fee (Specify)			

SUBTOTAL (3) (\$) 180.00

SUBTOTAL (1) 0.00

SUBTOTAL (2) 0.00

SUBTOTAL (3) 180.00

TOTAL (\$) 180.00

CORRESPONDENCE ADDRESS

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Patent Administrator
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SIGNATURE BLOCK

Date: June 8, 2004
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Respectfully submitted,

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